

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**In Re: NEW ENGLAND COMPOUNDING)
PHARMACY, INC., PRODUCTS LIABILITY)
LITIGATION) MDL NO. 2419
)
) Dkt. No. 1:13-md-2419 (RWZ)**

**MOTION OF CUMBERLAND MEDICAL CENTER FOR AN ORDER PERMITTING
ITS COUNSEL TO APPEAR TELEPHONICALLY FOR A HEARING ON MOTIONS
FOR PROTECTIVE ORDER [DOC. 2841] AND [DOC. 2906] ON JUNE 22, 2016**

Counsel for the non-party subpoenaed entity, Cumberland Medical Center, moves the Court for an Order allowing its Knoxville, Tennessee attorneys to appear telephonically at the June 22, 2016 hearing. On that date, counsel understands that the Court will take up the Plaintiffs' Steering Committee and Cumberland Medical Center's Joint Motion for Protective Order [Doc. 2841] and Specialty Surgery Center's ("SSC") Motion for Protective Order [Doc. 2906].

Cumberland Medical Center has not submitted a responsive Brief to SSC's Motion for Protective Order; however, it jointly filed a Motion for Protective Order with Plaintiffs' Steering Committee in an attempt to comply with Plaintiffs' Steering Committee's, subpoena issued January 29, 2016, while protecting its business interests and privileges, and protecting its patients' and employees' privacy.

Although Cumberland Medical Center takes no position with respect to SSC's claims of privilege and work product protection, it does respectfully submit that it should be permitted to review all reports and responsive materials arising from any forensic inspection, analysis and/or e-discovery conducted on Cumberland Medical Center's equipment, owned and in its possession, prior to any privilege review by SSC which the Court may order.

Counsel for Cumberland Medical Center also represents to the Court that requiring it to appear in person at the hearing would be an undue burden on Cumberland Medical Center.

Accordingly, counsel requests that it be permitted to telephonically participate in the hearing.

Respectfully submitted this this 10th day of June, 2016.

ARNETT, DRAPER & HAGOOD, LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of June, 2016, copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

ARNETT, DRAPER & HAGOOD, LLP

By: /s/ Rachel P. Hurt
Rachel P. Hurt